

STATE OF TENNESSEE

Office of the Attorney General



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Reply to:
Consumer Advocate and Protection Division
Post Office Box 20207
Nashville, TN 37202

April 23, 2004

Honorable Deborah Taylor Tate
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

IN RE: Application of Chattanooga Gas Company, a Division of Piedmont Natural Gas Company, Inc., for an Adjustment of its Rates and Charges, the Approval of Revised Tariffs and Approval of Revised Service Regulations,

Docket 03-00034 04-00034

Dear Chairman Tate:

Enclosed is an original and thirteen copies of the Consumer Advocate and Protection Division's Discovery Request to GTI in regard to Docket No. 04-00034. Please file same in this docket. Copies are being sent to all parties of record.

Should you have any questions, please contact me at (615) 741-1671. Thank you.

Sincerely,

Vance Broemel
Vance Broemel
Assistant Attorney General

CC: All Parties of Record

**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

| | | |
|--|---|----------------------------|
| APPLICATION OF CHATTANOOGA |) | |
| GAS COMPANY, A DIVISION OF |) | |
| PIEDMONT NATURAL GAS COMPANY, |) | |
| INC., FOR AN ADJUSTMENT OF ITS |) | DOCKET NO. 04-00034 |
| RATES AND CHARGES, THE APPROVAL |) | |
| OF REVISED TARIFFS AND APPROVAL |) | |
| OF REVISED SERVICE REGULATIONS |) | |

**DISCOVERY REQUEST TO GTI
BY THE CONSUMER ADVOCATE AND PROTECTION DIVISION
OF THE OFFICE OF THE ATTORNEY GENERAL**

**To: GTI
c/o Dale Grimes
Bass, Berry & Sims
AmSouth Center
315 Deaderick Street, Suite 2700
Nashville, TN 37238-3001**

These Interrogatories are hereby served upon Gas Technology Institute ("GTI"), pursuant to Rules 26, 33 and 36 of the Tennessee Rules of Civil Procedure and Tenn. Comp. R. & Reg 1220-1-2-.11. We request that full and complete responses be provided, under oath, pursuant to the Tennessee Rules of Civil Procedure. The responses are to be produced at the Office of the Tennessee Attorney General and Reporter, Consumer Advocate and Protection Division, 425 Fifth Avenue North, Nashville, Tennessee 37243, c/o Timothy Phillips and Vance Broemel, by May 3, 2004.

PRELIMINARY MATTERS AND DEFINITIONS

Each Interrogatory and Request to Produce calls for all knowledge, information and material available to GTI, as a party, whether it be GTI's, in particular, or knowledge, information

or material possessed or available to GTI's attorney or other representative.

These Interrogatories and Requests to Produce are to be considered continuing in nature, and are to be supplemented from time to time as information is received by GTI which would make a prior response inaccurate, incomplete, or incorrect. In addition, the Attorney General requests that GTI supplement responses hereto with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters, and the identity of each person expected to be called as an expert at hearing, the subject matter on which the expert is expected to testify, and the substance of the expert's testimony.

For purposes of these Interrogatories and Requests to Produce, the term "you" shall mean and include: GTI and all employees, agents and representatives thereof.

The term "person" or "persons" as used herein refers to any natural person, corporation, firm, company, sole proprietorship, partnership, business, unincorporated association, or other entity of any sort whatsoever. Where a company or organization is the party being served, all responses must include the company's response. Moreover, the company's designated person for responding must assure that the company provides complete answers. *A complete answer must provide a response which includes all matters known or reasonably available to the company.*

The term "identity" and "identify" as used herein, with respect to any person, means to provide their name, date of birth, current residence address, current residence telephone number, current business address, current business telephone number, and the occupation or job title of that person; with respect to an entity, those terms mean to provide the name by which said entity is commonly known, the current address of its principal place of business, and the nature of business currently conducted by that entity; with respect to any document, those terms mean to provide the date of the document, the nature of the document, and the title (if any) of the

document.

The term “document” as used herein, means any medium upon which intelligence or information can be recorded or retrieved, such as any written, printed, typed, drawn, filmed, taped, or recorded medium in any manner, however produced or reproduced, including but not limited to any writing, drawing, graph, chart, form, photograph, tape recording, computer disk or record, or other data compilation in any form without limitation. Produce the original and each copy, regardless of origin or location, of any book, pamphlet, periodical, letter, note, report, memorandum (including memoranda, note or report of a meeting or conversation), spreadsheet, photograph, videotape, audio tape, computer disk, e-mail, or any other written, typed, reported, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced, which is in your possession, custody or control or which was, but is no longer, in your possession, custody, or control. If any such document or thing was, but no longer is, in your possession or control, state what disposition was made of it and when.

If you produce documents in response to these Interrogatories, produce the original of each document or, in the alternative, identify the location of the original document. If the “original” document is itself a copy, that copy should be produced as the original.

If any objections are raised on the basis of privilege or immunity, include in your response a complete explanation concerning the privilege asserted.

If you contend that you are entitled to refuse to fully answer any of this discovery, state the exact legal basis for each such refusal.

If any of the interrogatories are not answered on the basis of privilege or immunity, include in your response to each such interrogatory a written statement evidencing:

(A) the nature of the communication;

- (B) the date of the communication;
- (C) the identity of the persons present at such communication, and
- (D) a brief description of the communication sufficient to allow the Court to rule on a motion to compel

If, for any reason, you are unable to answer a discovery request fully, submit as much information as is available and explain why your answer is incomplete. If precise information cannot be supplied, submit 1) your best estimate, so identified, and your basis for the estimate and 2) such information available to you as comes closest to providing the information requested. If you have reason to believe that other sources of more complete and accurate information exist, identify those sources.

If any information requested is not furnished as requested, state where and how the information may be obtained or extracted, the person or persons having knowledge of the procedure and the person instructing that the information be excluded.

If a document exists in different versions, including any dissimilar copies (such as a duplicate with handwritten notes on one copy), each version shall be treated as a different document and each must be identified and produced.

These discovery requests are to be interpreted broadly to fulfill the benefit of full discovery. To assist you in providing full and complete discovery, the Attorney General provides the following definitional guidelines.

The terms “and” and “or” shall be construed conjunctively or disjunctively as necessary to include any information that might otherwise be construed outside the scope of these requests.

The term “communication” means any transmission of information by oral, graphic, pictorial or otherwise perceptible means, including but not limited to personal conversations,

telephone conversations, letters, memoranda, telegrams, electronic mail, newsletters, recorded or handwritten messages, or otherwise.

FIRST DISCOVERY REQUEST

INTERROGATORIES AND REQUESTS TO PRODUCE

DISCOVERY REQUEST NO. 1:

1. With respect to GTI's filing with the FERC, "Application Of Gas Technology Institute Requesting Advance Approval Of A New Gas Industry Collaborative RD&D Program As Specified In The 2005-2009 RD&D Plan And 2005 RD&D Program And Jurisdictional Rate Provisions To Fund A 2005 RD&D Program", in FERC Docket RP04- ____ ; is that FERC funding requested in the filing to take the place of state mandated funding or is it in addition to state funding? (See attached GTI filing.)

DISCOVERY REQUEST NO. 2:

If the funding is separate, what is the amount of the request for funding in Tennessee exclusive of the FERC proposal?

DISCOVERY REQUEST NO. 3:

How will GTI projects specific to GTI be chosen if the company is not formally proposing GTI projects?

DISCOVERY REQUEST NO. 4:

Describe the administrative process to be handled by GTI for billing, handling, reporting, and issuing funding to GTI.

DISCOVERY REQUEST NO.5:

How will specific R&D projects be chosen? Who will choose the projects? How will the status of the projects be reported to the TRA by GTI?

DISCOVERY REQUEST NO. 6:

How much funding is being solicited by GTI for GTI customers? If approved by the TRA, will other gas utilities in Tennessee be required to fund GTI in the same manner and rate?

DISCOVERY REQUEST NO. 7:

Identify each person whom you expect to call as an expert witness at any hearing in this docket, and for each such expert witness:

- (A) Identify the field in which the witness is to be offered as an expert;
- (B) provide complete background information, including the expert's current employer as well as his or her educational, professional and employment history, and qualifications within the field in which the witness is expected to testify, and identify all publications written or presentations presented in whole or in part by the witness;
- (C) provide the grounds (including without limitation any factual basis) for the opinions to which the witness is expected to testify, and provide a summary of the grounds for each such opinion;
- (D) identify any matter in which the expert has testified (through deposition or otherwise) by specifying the name, docket number and forum of each case, the dates of the prior testimony and the subject of the prior testimony, and identify the transcripts of any such testimony;
- (E) identify the terms of the retention or engagement of each expert including but not limited to the terms of any retention or engagement letters or agreements relating to his/her engagement, testimony, and opinions as well as the compensation to be paid for the testimony and opinions;
- (F) identify all documents or things shown to, delivered to, received from, relied upon, or prepared by any expert witness, which are related to the witness(es)' expected testimony in this case, whether or not such documents are supportive of such testimony, including without limitation all documents or things provided to that expert for review in connection with testimony and opinions, and
- (G) identify any exhibits to be used as a summary of or support for the testimony or opinions provided by the expert.

DISCOVERY REQUEST NO. 8:

Please produce copies of any and all documents referred to or relied upon in responding to the Attorney General's discovery requests.

DISCOVERY REQUEST NO. 9:

Please provide all material provided to, reviewed by, used by or produced by any expert or consultant retained by GTI to testify or to provide information from which another expert will testify concerning this case, including all work papers.

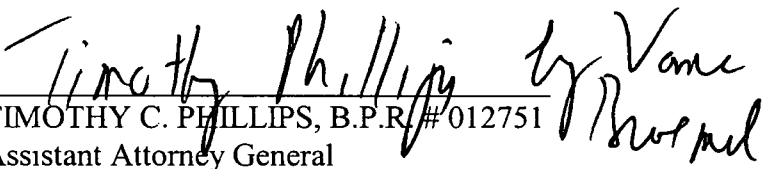
DISCOVERY REQUEST NO. 10:

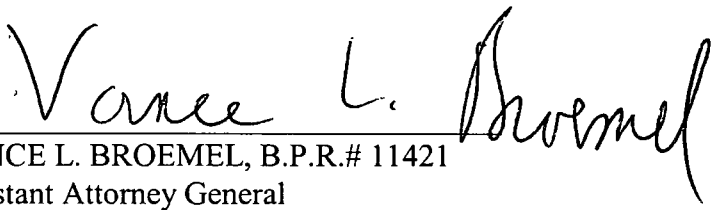
Please produce a copy of all articles, journals, books or speeches written by or co-written by any of GTI's expert witnesses, whether published or not.

DISCOVERY REQUEST NO. 11:

Explain the verification/analysis process to be implemented by TRA Staff of GTI funding.

RESPECTFULLY SUBMITTED,


TIMOTHY C. PHILLIPS, B.P.R.# 012751
Assistant Attorney General


VANCE L. BROEMEL, B.P.R.# 11421
Assistant Attorney General
Office of the Attorney General
Consumer Advocate and Protection Division
P.O. Box 20207
Nashville, Tennessee 37202
(615) 741-3533

Dated: April 23rd 2004

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been served via the methods indicated on this 23rd day of April 2004, to the following:

Via first-class U.S. mail, postage prepaid:

Dale Grimes
c/o Dale Grimes
Bass, Berry & Sims
AmSouth Center
315 Deaderick Street, Suite 2700
Nashville, TN 37238-3001

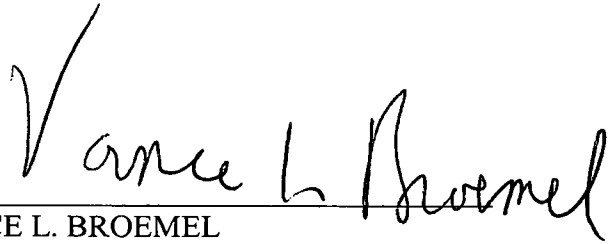
Chattanooga Gas Company
c/o Archie Hickerson
AGL Resources, Location 1686
P.O. Box 4569
Atlanta, GA 30302-4569

Henry Walker, Esq.
Boult Cummings, et al.
414 Union Street, #1600
Nashville, TN 37219-8062

Richard Collier, Esq.
General Counsel
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

Via hand delivery:

D. Billye Sanders, Esq.
Waller, Lansden, Dortch & Davis, PLLC
511 Union Street, Suite 2100
Nashville, TN 37219-1760


VANCE L. BROEMEL
Assistant Attorney General